

JOSEPH DIGIROLAMO and  
GLORIA M. DIGIROLAMO, his  
wife,

Plaintiffs,

v.

CABOT OIL & GAS  
CORPORATION,

Defendant.

IN THE UNITED STATES DISTRICT  
COURT FOR THE MIDDLE  
DISTRICT OF PENNSYLVANIA

CIVIL ACTION – LAW  
JURY TRIAL DEMANDED

NO. 3:08-cv-833

FILED VIA ECF

(Honorable James M. Munley)

**JOINT STIPULATION REGARDING STAY OF LITIGATION**

Plaintiff(s) in the above-captioned matter, Defendant, Cabot Oil & Gas Corporation, and the parties' undersigned counsel, hereby jointly stipulate as follows:

1. Defendant timely removed the above-captioned action to this Court.
2. The action captioned *Kropa vs. Cabot Oil & Gas Corporation* and docketed at 3:08-cv-551, asserts the same or similar claims as the above-captioned action. Both *Kropa* and the above-captioned action have been assigned to the Honorable James M. Munley.

3. Plaintiffs intend to file a Motion to Amend their Complaint. Defendant does not object to the Plaintiffs filing an Amended Complaint.

4. In the *Kropa* action, Defendant has filed a Motion to Dismiss. Said motion has been briefed and, on June 3, 2008, the *Kropa* Plaintiffs filed an additional Brief in Opposition to the Motion to Dismiss. The parties agree that Defendant shall, within ten (10) days of the date of this Stipulation, file a Supplemental Brief in Support of its Motion to Dismiss addressing only the issues raised in the *Kropa* Plaintiffs' Brief of June 3, 2008. The *Kropa* matter will then be pending before the Court. Both parties agree that oral argument should be heard in *Kropa* following the filing of the aforementioned supplemental brief by Defendant.

5. The parties agree that the legal issues raised in the Motion to Dismiss and all related briefs filed in *Kropa* also apply to the above-captioned action, and the parties also agree that it is in the interest of all parties and the Court to stay any further filings or litigation in this matter pending resolution of the Motion to Dismiss filed in *Kropa*. This stay shall specifically not apply to the filing of a Motion to Amend the Complaint or the filing of an Amended Complaint in this action.

6. The parties further agree to treat this case as though Cabot filed a motion to dismiss and briefs raising the same issues as were raised

or will be raised in *Kropa* and as though the plaintiff(s) in this case filed a response and brief raising the same issues raised in the responses which were filed or will be filed in *Kropa*. Cabot's Motion to Dismiss and all briefs shall be deemed to have been filed in response to any Amended Complaint filed by Plaintiffs in this matter.

6. The parties agree that nothing in this stipulation will be seen to waive any objections, claims or defenses the parties could otherwise raise if there had been full briefing in this case on a motion to dismiss.

**WHEREFORE**, for all or any of the foregoing reasons, the parties respectfully request that this Court approve this Joint Stipulation and that the above-captioned action be stayed pending further order of Court.

Dated: June 10, 2008

Respectfully submitted,

WRIGHT & REIHNER, P.C.  
BY: /s/ Joseph T. Wright, Jr.  
Joseph T. Wright, Jr.  
Danielle M. Mulcahey  
148 Adams Avenue  
Scranton, PA 18503  
(570) 961-1166  
(570) 961-1199 (facsimile)  
KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP  
David R. Fine  
17 North Second Street, 18<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 231-4500

LAW OFFICE OF MICHAEL J.  
GIANGRIECO  
BY: /s/ Michael J. Giangrieco  
Michael J. Giangrieco, Esq.  
26 Public Avenue  
PO Box 126  
Montrose, PA 18801-0126

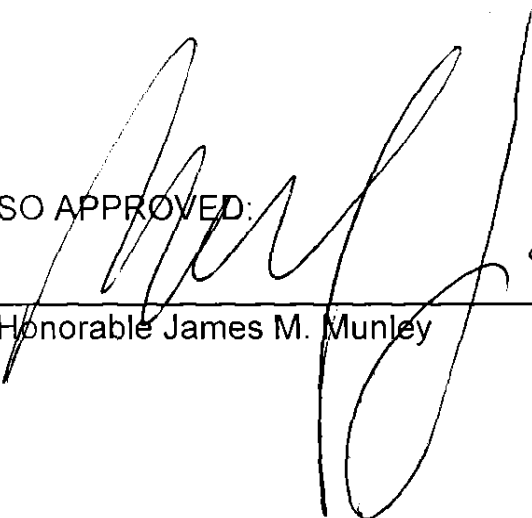
Attorney for Plaintiff(s)

(717) 231-4501 (facsimile)

Kenneth Komoroski  
Henry W. Oliver Bldg.  
535 Smithfield St.  
Pittsburgh, PA 15222-2312  
(412) 355-6500  
(412) 355-6501 (facsimile)

Attorneys for Defendant,  
Cabot Oil & Gas Corporation

SO APPROVED:

  
\_\_\_\_\_  
Honorable James M. Munley

6/30/08